

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Inventor: Mark A. Reiley

Application No.: 10/615,727

Filed: July 9, 2003

Title: FACET ARTHROPLASTY DEVICES AND
METHODS

Confirmation No.: 1799

Examiner: David Isabella

Group Art Unit: 3738

Customer No. 21971

FILED ELECTRONICALLY ON: May 15, 2006

RESPONSE TO COMMUNICATION
MAILED APRIL 21, 2006

M/S Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

This communication is in response to the Action mailed April 21, 2006. The shortened statutory period for response expires on May 21, 2006. The Response is submitted prior to shortened statutory period for reply therefore no extension fee is required to consider this response.

REMARKS

I. EXAMINER INTERVIEW

Applicant wishes to acknowledge with appreciation the courtesies extended by Examiner Isabella during the Telephonic Interview on April 26, 2006. The Examiner's comments were helpful to Applicant in preparing this Response.

II. ELECTION/RESTRICTION

As confirmed with Examiner Isabella in the telephone interview April 26, 2006, this restriction requirement was issued in the wrong application. The action was intended to be a restriction requirement for an application that is a divisional of 10/615,727, as noted in the first paragraph of page 2 of the action. However, this application **IS** the 10/615,727, therefore the communication was issued in error and should be withdrawn as to this application. Examiner Isabella agreed with this assessment and requested applicant formally respond to the action and request withdrawal.

In view of the fact that this restriction requirement was issued in error to this application, no election is required for this response to be fully responsive.

CONCLUSION

For the foregoing reasons, Applicant requests the restriction requirement mailed April 21, 2006, be withdrawn.

FEE AUTHORIZATION

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. **23-2415** (Docket No. 29914-701.401).

Respectfully submitted,

Date: May 15 2006

By:


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